

1 SCOTT N. SCHOOLS (SC 9990)  
 2 United States Attorney

3 BRIAN J. STRETCH (CABN 163973))  
 4 Chief, Criminal Division

5 SUSAN E. BADGER (CABN 124365)  
 6 Assistant United States Attorney

7 450 Golden Gate Avenue, Box 36055  
 8 San Francisco, California 94102-3495  
 9 Telephone: (415) 436-7199  
 10 FAX: (415) 436-7234

11 Attorneys for Plaintiff

12  
 13 UNITED STATES DISTRICT COURT  
 14 NORTHERN DISTRICT OF CALIFORNIA  
 15 SAN FRANCISCO DIVISION

16 UNITED STATES OF AMERICA,

17 Plaintiff,

18 v.  
 19 BENJAMIN GARRISON CLAYTON,

Defendant.

20 No. *A-07-70462 WDB*  
 21 EP 07 2661 MC (W.D. Texas)

22 GOVERNMENT'S MOTION TO  
 23 RELEASE DEFENDANT FROM U.S.  
 24 MARSHAL'S CUSTODY AND  
 25 ~~[PROPOSED]~~ ORDER

26 Based on the fact that the outstanding complaint against the defendant BENJAMIN  
 27 GARRISON CLAYTON has been dismissed by the United States District Court, Western  
 28 District of Texas, in case number EP 07 2661 MC, the United States hereby moves for an order  
 from this Court ordering that the United States Marshal release the defendant from custody at the

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33 GOVT'S MOT. TO RELEASE DEF.  
 34 & [PROP.] ORDER

35 [ (N.D. Cal.); EP 07 2661 MC (W.D. Texas)]

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 37 FILED  
 38 2007 AUG 15 PM 2:04  
 39 RICHARD W. WIEKING  
 40 CLERK  
 41 U.S. DISTRICT COURT  
 42 NO. DIST OF CA

1       earliest possible date and time. A copy of the dismissal order from the Western District of Texas  
2       is attached.

3 | Page

4 DATE: August 15, 2007 Respectfully submitted,

United States Attorney

7 SUSAN E. BADGER  
Austin, United States

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Upon the motion of the United States and good cause appearing, IT IS HEREBY  
10 ORDERED THAT the United States Marshal release defendant BENJAMIN GARRISON  
11 CLAYTON, currently being held in pre-trial custody in the above-captioned cases, from custody  
12 at the earliest possible date and time.

IT IS SO ORDERED.

15 | Nied: B15/107

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16 JOSEPH C. SPERO

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GOVT'S MOT. TO RELEASE DEF.  
& [REDACTED] ORDER

[ (N.D. Cal.); EP 07 2661 MC (W.D. Texas)]

FILED

AUG 15 2007

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY *[Signature]* DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION  
**RECEIVED**  
UNITED STATES OF AMERICA )  
v. )  
BENJAMIN GARRISON CLAYTON )  
CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY *[Signature]* DEPUTY CLERK  
NO. EP-07-2661-MC

ORDER OF DISMISSAL

Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, and by leave of Court endorsed hereon, the United States Attorney for the Western District of Texas hereby dismisses the Complaint against Defendant **BENJAMIN GARRISON CLAYTON**. The Government does not wish to prosecute at this time.

Respectfully submitted,

JOHNNY SUTTON  
UNITED STATES ATTORNEY

BY:

*Debra Kanof*  
DEBRA KANOF  
Assistant U.S. Attorney  
Texas Bar # 11093600  
700 E. San Antonio, Suite 200  
El Paso, Texas 79901  
(915) 534-6884

Leave of Court is granted for the filing of the foregoing dismissal.

*Mark W. Davis*  
UNITED STATES MAGISTRATE JUDGE

DATE: August 15, 2007